## **ELLIJAY CITY HALL**

## **FEBRUARY 21, 2022**

## WORKSHOP 5:30

## REGULAR MEETING 6:00

Call to Order

Prayer and Pledge of Allegiance

Approval of Agenda

Approval of Minutes for January Meeting

Approval of January Financial Statement

Staff Reports

Citizen Input

## **NEW BUSINESS**

Review and Action – Micro Brewery License Application Hillbilly Holdings LLC, dba Cartecay Bike Shop, Owner/Registered Agent Dondi Fontenot

Review and Action - Short Term Rental Ordinance

First Reading - Distilled Spirits Off Premise Consumption Ordinance

Executive Session - Personnel, Pending Litigation, Land Acquisition

Adjourn

## **Mayors Report**

- The Short Term Rental Ordinance is on the agenda for action and is included in your packet for review.
- A copy of the Distilled Spirits Off Premise Consumption Ordinance is included in your packet for review and is on the agenda for first reading.
- I received a call and follow up e-mail from our fireworks provider advising that they will not be able to do the City's 4<sup>th</sup> of July fireworks show. A copy of the letter is included in your packets. I have reached out to other pyrotechnic companies, but have had no luck so far finding a replacement.
- An application for a Micro Brewery License has been submitted. The proposed brewery will be located at 493 North Main Street. The application is included in your packet for review. All requirements have been met.
- Wlan Studio has provided four preliminary designs and cost estimates for renovations to the round a bout. Each is included in your packet for review. I will provide you with the design and cost estimates for North Main Crosswalks as soon as they are received.

## City of Ellijay January 24, 2022

## Workshop Started at 5:30 PM and ended at 5:45 PM

# Public Hearing Started at 5:45 PM and ended at 5:55 PM No comments

## Regular Meeting 6:00 PM

## **Council Meeting Called to Order:**

Welcome - Mayor Al Hoyle welcomed everyone to the meeting at 6:00 PM.

Prayer- Prayer was given by Al Fuller

Pledge- Mayor Hoyle led the Pledge of Allegiance.

### Attendance:

Al Hoyle, Mayor - Present
Sandy Ott, Mayor Pro-Tem - Present
Tom Crawford, Councilmember - Present
Al Fuller, Councilmember - Present
Kevin Pritchett, Councilmember - Present
Katie Lancey, Councilmember-Present
Kayann Hayden West, City Attorney - Absent
Edward Lacey, Police Chief - Present
Sam West, Fire Chief - Present
Andrew Mathis, Code Enforcement-Present
Lori Pierce, City Clerk-Present

## Approval of Agenda:

Councilmember Tom Crawford made a motioned to approve the January 24, 2022 agenda. Councilmember Katie Lancey seconded the motion. All approved.

## **Approval of Minutes:**

Councilmember Al Fuller made a motioned to approve the minutes for the December 21, 2021 meeting. Councilmember Kevin Pritchett seconded the motion. All approved.

## **Approval of Financial Statements:**

Councilmember Katie Lancey made a motion to approve the December Financial Statement. Mayor Pro-Tem Sandy Ott seconded the motion. All approved.

## **Staff Reports:**

Fire Department- nothing to add to previously provided report Police Department - nothing to add to previously provided report. Code Enforcement- nothing to add to previously provided report.

## **Citizen Input:**

None

### **Unfinished Business:**

None

### **New Business:**

Review and Action: Zoning change request 28 Old Hwy 5 North- Councilmember Katie Lancey made a motion to approve the Zoning change request at Old Hwy 5 North. Councilmember Kevin Pritchett seconded the motion. All approved.

Review and Action: Zoning Variance request 66 Skyline Drive-Councilmember Tom Crawford made a motion to approve the Zoning Variance request 66 Skyline Drive. Councilmember Katie Lancey seconded the motion. All approved.

Review and Action: Housing Authority Resident Commissioner Appointment-Mayor Pro-Tem Sandy Ott made a motion to approve the Housing Authority Resident Commissioner Appointment Arenette Powell. Councilmember Katie Lancey seconded the motion. All approved.

Review and Action: First Reading-Short Term Rental Ordinance-No Action Taken

Review and Action: Resolution Authorizing 8% Hotel Motel Tax- Councilmember Kevin Pritchett made a motion to approve the Resolution Authorizing 8% Hotel Motel Tax. Councilmember Katie Lancey seconded the motion. All approved.

**Executive Session:** Personnel, Land Acquisition, Pending Litigation.

### Adjourn:

Councilmember Tom Crawford mad	de a motion to adjourn at 6:08PM.	Councilmember
Katie Lancey seconded the motion.	All approved.	

Lori Pierce/City Clerk	

# City of Ellijay Statement of Revenue and Expenditures

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Original Budget For General Fund (100) For the Fiscal Period 2022-1 Ending January 31, 2022

Account Number			Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
Account Number			Dauget	Actual	buuget	Actual	Duuget 78
Revenues							
100-0000-00-311100	Real Property Taxes-Current	\$	198,361.47 \$	80,573.55 \$	198,361.47 \$	80,573.55	59.38%
100-0000-00-311110	Public Utilities Tax		23,000.00	0.00	23,000.00	0.00	100.00%
100-0000-00-311200	Real Property Tax-Prior Years		0.00	86.08	0.00	86.08	0.00%
100-0000-00-311300	Personal Property Tax-Current		57,310.88	19.59	57,310.88	19.59	99.97%
100-0000-00-311310	Motor Vehicle Tax		10,000.00	255.00	10,000.00	255.00	97.45%
100-0000-00-311315	TAVT Tax		50,000.00	6,050.44	50,000.00	6,050.44	87.90%
100-0000-00-311320	Mobile Home Tax		1,000.00	0.00	1,000.00	0.00	100.00%
100-0000-00-311400	Personal Property-Delinquent		1,000.00	0.00	1,000.00	0.00	100.00%
100-0000-00-311600	Intangile Tax		15,000.00	1,101.59	15,000.00	1,101.59	92.66%
100-0000-00-311700	Franchise Tax		260,000.00	31,565.52	260,000.00	31,565.52	87.86%
100-0000-00-311910	Pen/Int-Real Property		1,000.00	0.00	1,000.00	0.00	100.00%
100-0000-00-313100	Local Option Sales Tax		950,000.00	109,262.04	950,000.00	109,262.04	88.50%
100-0000-00-314200	Alcohol Tax		100,000.00	11,611.78	100,000.00	11,611.78	88.39%
100-0000-00-316200	Insurance Preminum Tax		120,000.00	0.00	120,000.00	0.00	100.00%
100-0000-00-316300	Financial Institution Tax		13,000.00	0.00	13,000.00	0.00	100.00%
100-0000-00-316400	Transfer Tax Collections		10,000.00	1,181.37	10,000.00	1,181.37	88.19%
100-0000-00-319120			250.00	0.00	250.00	0.00	100.00%
100-0000-00-319400	' '		160.00	0.00	160.00	0.00	100.00%
100-0000-00-319500			300.00	0.00	300.00	0.00	100.00%
100-0000-00-321110			16,500.00	0.00	16,500.00	0.00	100.00%
100-0000-00-321111	Game Machines		200.00	0.00	200.00	0.00	100.00%
	Licenses - Wine Tasting Room		1,000.00	650.00	1,000.00	650.00	35.00%
	Licenses - Distilled Spirits		7,000.00	0.00	7,000.00	0.00	100.00%
100-0000-00-321131	Brewery		1,000.00	1,100.00	1,000.00	1,100.00	(10.00%)
100-0000-00-321400	•		50,000.00	5,300.00	50,000.00	5,300.00	89.40%
100-0000-00-321410			1,000.00	0.00	1,000.00	0.00	100.00%
100-0000-00-321420	Insurance Licenses		8,000.00	2,900.00	8,000.00	2,900.00	63.75%
100-0000-00-322100			20,000.00	2,445.57	20,000.00	2,445.57	87.77%
100-0000-00-322120	<del>-</del>		1,000.00	0.00	1,000.00	0.00	100.00%
100-0000-00-322140	Sign Permits		1,000.00	90.00	1,000.00	90.00	91,00%
100-0000-00-322150	· ·		100.00	0.00	100.00	0.00	100.00%
100-0000-00-322100	Special Event Alcohol Fee		300.00	0.00	300.00	0.00	100.00%
	Business License Penalty		500.00	0.00	500.00	0.00	100.00%
100-0000-00-323100	•		26,000.00	0.00	26,000.00	0.00	100.00%
100-0000-00-333000	Housing Authority Pilot Printing/Copying Fees		100.00	0.00	100.00	0.00	100.00%
100-0000-00-341400	• , • •		700.00	0.00	700.00	0.00	100.00%
	Criminal Records Check		250.00	0.00	250.00	0.00	100.00%
			200,000.00	13,748.00	200,000.00	13,748.00	93.13%
100-0000-00-351170	•		100.00	75.00	100.00	75.00	25.00%
100-0000-00-351172						0.00	100.00%
100-0000-00-361000	Interest Income Misc Income		1,000.00 1,000.00	0.00 0.00	1,000.00 1,000.00	0.00	100.00%
100-0000-00-389000						0.00	100.00%
	Sale of Fixed Assets	<u> </u>	2,500.00	0.00	2,500.00		
Total General Fund Rever	lues	\$	2,149,632.35 \$	268,015.53 \$	2,149,632.35 \$	268,015.53	87.53%
Expenditures							
100-1100-11-511100	Salaries	\$	18,000.00 \$	1,250.00 \$	18,000.00 \$	1,250.00	93.06%

## City of Ellijay Statement of Revenue and Expenditures

## Original Budget For General Fund (100) For the Fiscal Period 2022-1 Ending January 31, 2022

Account Number	Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
100-1100-11-512200 FICA	1,377.00	95.65	1,377.00	95.65	93.05%
100-1100-11-523500 Travel Expense	9,000.00	0.00	9,000.00	0.00	100.00%
100-1100-11-523700 Education & Training	3,000.00	0.00	3,000.00	0.00	100.00%
100-1500-15-511100 Salaries	150,000.00	11,942.65	150,000.00	11,942.65	92.04%
100-1500-15-511101 Compensation-Planning and Z	•	0.00	1,500.00	0.00	100.00%
100-1500-15-512100 Group Insurance	28,000.00	0.00	28,000.00	0.00	100.00%
100-1500-15-512101 City Match Retirement	1,130.00	0.00	1,130.00	0.00	100.00%
100-1500-15-512200 FICA	11,475.00	888.62	11,475.00	888.62	92.26%
100-1500-15-512400 GMEBS	53,000.00	0.00	53,000.00	0.00	100.00%
100-1500-15-512700 Workers Comp Ins.	26,000.00	0.00	26,000.00	0.00	100.00%
100-1500-15-521100 Accounting & Audit Expense	12,500.00	0.00	12,500.00	0.00	100.00%
100-1500-15-521210 Legal Services	6,000.00	0.00	6,000.00	0.00	100.00%
100-1500-15-521302 Contract Services-USTI & TBS		0.00	7,500.00	0.00	100.00%
100-1500-15-521320 City Website Maintenance	1,000.00	0.00	1,000.00	0.00	100.00%
100-1500-15-521514 Fi Fa Filing Fees	100.00	0.00	100.00	0.00	100.00%
100-1500-15-522110 Sanitation Collection	1,200.00	0.00	1,200.00	0.00	100.00%
100-1500-15-522200 Repairs and Maintenance	4,000.00	0.00	4,000.00	0.00	100.00%
100-1500-15-522210 Vehicle Repairs and Maintena	500.00	0.00	500.00	0.00	100.00%
100-1500-15-522211 Equip-Repairs and Maintenand		0.00	500.00	0.00	100.00%
100-1500-15-523100 Property & Liability Insurance	14,090.00	0.00	14,090.00	0.00	100.00%
100-1500-15-523200 Telephone Expense	10,500.00	0.00	10.500.00	0.00	100.00%
100-1500-15-523300 Advertising	1,500.00	0.00	1,500.00	0.00	100.00%
100-1500-15-523500 Travel Expenses	6,000.00	0.00	6,000.00	0.00	100.00%
100-1500-15-523600 Dues,Fees & Subscriptions	2,000.00	0.00	2,000.00	0.00	100.00%
100-1500-15-523700 Education & Training	6,000.00	0.00	6,000.00	0.00	100.00%
100-1500-15-523850 Contracted Labor	1,000.00	0.00	1,000.00	0.00	100.00%
100-1500-15-531100 Office/Operating Supplies	14,000.00	0.00	14,000.00	0.00	100.00%
100-1500-15-531110 Tires & Tubes	500.00	0.00	500.00	0.00	100.00%
100-1500-15-531130 Postage	2,200.00	0.00	2,200.00	0.00	100.00%
100-1500-15-531190 Misc Expense	500.00	0.00	500.00	0.00	100.00%
100-1500-15-531210 Water, Sewer & Garbage Expe		0.00	3,000.00	0.00	100.00%
100-1500-15-531220 Natural Gas Expense	4,500.00	0.00	4,500.00	0.00	100.00%
100-1500-15-531230 Electric Expense	14,000.00	0.00	14,000.00	0.00	100.00%
100-1500-15-531270 Vehicle Gas Expense	500.00	0.00	500.00	0.00	100.00%
100-1500-15-531700 Other Supplies	500.00	0.00	500.00	0.00	100.00%
100-1500-15-533400 City Code Book Supplement	4,000.00	0.00	4,000.00	0.00	100.00%
100-1500-15-542200 Vehicle Purchases	16,000.00	0.00	16,000.00	0.00	100.00%
100-1500-15-542300 Furniture & Fixtures	500.00	0.00	500.00	0.00	100.00%
100-1500-15-542400 Computer Equipment	1,000.00	0.00	1,000.00	0.00	100.00%
100-1500-15-543201 Leased Equipment	2,200.00	0.00	2,200.00	0.00	100.00%
100-1500-15-543210 Payroll Administrative Fee	3,700.00	306.10	3,700.00	306.10	91.73%
100-1500-15-571000 Intergovermental Payments	15,000.00	0.00	15,000.00	0.00	100.00%
100-1500-15-571500 Intergovernmental Payments-	19,000.00	0.00	19,000.00	0.00	100.00%
100-1500-15-572000 Intergency Contributions	4,000.00	0.00	4,000.00	0.00	100.00%
100-1500-15-572100 Fees Paid to GMA	600.00	0.00	600.00	0.00	100.00%
100-1500-15-572200 fees Paid to NGRDC	2,000.00	0.00	2,000.00	0.00	100.00%
100-1500-15-572500 Fees paid to Chamber of Com	•	0.00	9,500.00	0.00	100.00%
100-1500-15-579000 Contengencies	100,000.00	0.00	100,000.00	0.00	100.00%
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# City of Ellijay Statement of Revenue and Expenditures

## Original Budget For General Fund (100) For the Fiscal Period 2022-1 Ending January 31, 2022

Account Number		Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
100-2650-26-521304	Contract Services - Court	12,000.00	0.00	12,000.00	0.00	100.00%
100-2650-26-571000	Monthly Fine Payments	40,000.00	0.00	40,000.00	0.00	100.00%
100-2650-26-571001	Detention Center Fine Paymen	10,000.00	0.00	10,000.00	0.00	100.00%
100-2650-26-572600	Fees paid to GA POA&B Fund	7,000.00	0.00	7,000.00	0.00	100.00%
100-3200-32-511100	Salaries	564,463.23	42,183.76	564,463.23	42,183.76	92.53%
100-3200-32-512100	Group Insurance	120,000.00	0.00	120,000.00	0.00	100.00%
100-3200-32-512200	FICA	43,152.88	3,132.32	43,152.88	3,132.32	92.74%
100-3200-32-512402	Peace Officers Retirement	3,300.00	0.00	3,300.00	0.00	100.00%
100-3200-32-522200	Repairs and Maintenance	1,000.00	0.00	1,000.00	0.00	100.00%
100-3200-32-522210	Vehicle Repairs and Maintena	11,000.00	0.00	11,000.00	0.00	100.00%
100-3200-32-523100	Property/Liability Ins	21,260.00	0.00	21,260.00	0.00	100.00%
100-3200-32-523200	Telephone Expense	9,500.00	0.00	9,500.00	0.00	100.00%
100-3200-32-523500	Travel expenses	1,300.00	0.00	1,300.00	0.00	100.00%
100-3200-32-523600	Dues,Fees and Subscriptions	500.00	0.00	500.00	0.00	100.00%
100-3200-32-523700	Education & Training	1,500.00	0.00	1,500.00	0.00	100.00%
100-3200-32-531100	Office/Operating Supplies	5,000.00	0.00	5,000.00	0.00	100.00%
100-3200-32-531110	Tires and Tubes	5,000.00	0.00	5,000.00	0.00	100.00%
100-3200-32-531190	Misc. Expense	100.00	0.00	100.00	0.00	100.00%
100-3200-32-531210	Water,Sewer & Garbage Expe	600.00	0.00	600.00	0.00	100.00%
100-3200-32-531220	Natural Gas Expense	1,500.00	0.00	1,500.00	0.00	100.00%
100-3200-32-531230	Electric Expense	4,500.00	0.00	4,500.00	0.00	100.00%
100-3200-32-531270	Vehicle Gas Expense	27,000.00	0.00	27,000.00	0.00	100.00%
100-3200-32-531335	Uniforms	3,000.00	0.00	3,000.00	0.00	100.00%
100-3200-32-531700	Other Supplies	6,900.00	0.00	6,900.00	0.00	100.00%
100-3200-32-542200	Vehicle Purchases	60,000.00	0.00	60,000.00	0.00	100.00%
100-3200-32-542300	Furniture & Fixtures	500.00	0.00	500.00	0.00	100.00%
100-3200-32-542400	Computer Equipment	500.00	0.00	500.00	0.00	100.00%
100-3200-32-542500	Other Equipment	500.00	0.00	500.00	0.00	100.00%
100-3200-32-543201	Leased Equipment	750.00	0.00	750.00	0.00	100.00%
100-3200-32-543210	Contracted Fee	2,750.00	0.00	2,750.00	0.00	100.00%
100-3500-35-511100	Salaries	312,253.28	22,501.53	312,253.28	22,501.53	92.79%
100-3500-35-512100	Group Insurance	58,300.00	0.00	58,300.00	0.00	100.00%
100-3500-35-512200	FICA	23,887.38	1,603.53	23,887.38	1,603.53	93.29%
	Firefighters Pension Fund	900.00	0.00	900.00	0.00	100.00%
	Firefighter's Cancer Ins	1,500.00	0.00	1,500.00	0.00	100.00%
	Repairs and Maintenance	2,000.00	0.00	2,000.00	0.00	100.00%
	Vehicle Repairs and Maintena	7,500.00	0.00	7,500.00	0.00	100.00%
100-3500-35-522211	Eguip-Repairs and Maintenanc	8,000.00	0.00	8,000.00	0.00	100.00%
	Property/Liability Ins.	7,245.00	0.00	7,245.00	0.00	100.00%
100-3500-35-523200		4,000.00	0.00	4,000.00	0.00	100.00%
100-3500-35-523500	·	1,500.00	0.00	1,500.00	0.00	100.00%
100-3500-35-523600		500.00	0.00	500.00	0.00	100.00%
	Education & Training	1,000.00	0.00	1,000.00	0.00	100.00%
100-3500-35-531100	<u>-</u>	1,500.00	0.00	1,500.00	0.00	100.00%
	First Responder Supplies	1,500.00	0.00	1,500.00	0.00	100.00%
100-3500-35-531110		1,500.00	0.00	1,500.00	0.00	100.00%
	Fire Safety Education Supplies	1,000.00	0.00	1,000.00	0.00	100.00%
	Water, Sewer & Garbage Expe	700.00	0.00	700.00	0.00	100.00%
	Natural Gas Expense	2,000.00	0.00	2,000.00	0.00	100.00%
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# City of Ellijay Statement of Revenue and Expenditures

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Original Budget
For General Fund (100)
For the Fiscal Period 2022-1 Ending January 31, 2022

		Current	Current	Annual	YTD	Remainin
ount Number		Budget	Actual	Budget	Actual	Budget 9
100-3500-35-531230	Electric Expense	4,500.00	0.00	4,500.00	0.00	100.00%
100-3500-35-531270	Vehicle Gas Expense	5,000.00	0.00	5,000.00	0.00	100.00%
100-3500-35-531335	Uniforms	3,000.00	0.00	3,000.00	0.00	100.00%
100-3500-35-531336	Turn Out Gear	6,000.00	0.00	6,000.00	0.00	100.00%
100-3500-35-531700	Radios and Pagers	3,000.00	0.00	3,000.00	0.00	100.009
100-3500-35-542300	Furniture & Fixtures	1,000.00	0.00	1,000.00	0.00	100.009
100-3500-35-542400	Computer Equipment	500.00	0.00	500.00	0.00	100.00%
100-3500-35-543201	Leased Equipment	750.00	0.00	750.00	0.00	100.009
100-4200-42-511100	Salaries	168,958.40	14,255.59	168,958.40	14,255.59	91.56%
100-4200-42-512100	Group Insurance	41,310.00	0.00	41,310.00	0.00	100.00%
100-4200-42-512200	FICA	12,925.32	1,049.28	12,925.32	1,049.28	91.889
100-4200-42-522200	Repairs and Maintenance	10,000.00	0.00	10,000.00	0.00	100.009
100-4200-42-522210	Vehicle Repairs and Maintena	5,000.00	0.00	5,000.00	0.00	100.00
100-4200-42-522211	Equip-Repairs and Maintenanc	5,000.00	0.00	5,000.00	0.00	100.00
100-4200-42-523100	Property/Liability Ins.	2,711.00	0.00	2,711.00	0.00	100.00
100-4200-42-523200	Telephone Expense	700.00	0.00	700.00	0.00	100.00
100-4200-42-523700	Education & Training	250.00	0.00	250.00	0.00	100.00
100-4200-42-523850	Contracted Labor	5,000.00	0.00	5,000.00	0.00	100.00
100-4200-42-524260	Street Lights	64,000.00	0.00	64,000.00	0.00	100.00
100-4200-42-531100	Operating Supplies	3,000.00	0.00	3,000.00	0.00	100.00
100-4200-42-531103	Xmas Lights/Banners	1,000.00	0.00	1,000.00	0.00	100.00
100-4200-42-531110	Tires and Tubes	1,000.00	0.00	1,000.00	0.00	100.00
100-4200-42-531230	Electric Expense	700.00	0.00	700.00	0.00	100.00
100-4200-42-531270	Vehicle Gas Expense	4,500.00	0.00	4,500.00	0.00	100.00
100-4200-42-531335	Uniforms	3,000.00	0.00	3,000.00	0.00	100.00
100-4200-42-534221	Street Maintenance	2,000.00	0.00	2,000.00	0.00	100.00
100-4200-42-542200	Vehicle Purchases	30,000.00	0.00	30,000.00	0.00	100.009
al General Fund Expen	nditures \$	2,380,738.49 \$	99,209.03 \$	2,380,738.49 \$	99,209.03	95.83

General Fund Excess of Revenues Over Expenditures \$ (231,106.14) \$ 168,806.50 \$ (231,106.14) \$ 168,806.50 \$ 173.04%

# City of Ellijay Statement of Revenue and Expenditures

Page 5

Original Budget
For Bond Escrow Account (220)
For the Fiscal Period 2022-1 Ending January 31, 2022

		Curren	t	Curren	t	Annua	1	YTD	Remaining
Account Number		Budge	ŧ	Actua	ļ	Budge	t	Actual	Budget %
Revenues									
220-0000-00-313100 Cash Bonds	\$	50,000.00	\$	0.00	\$	50,000.00	\$	0.00	100.00%
Total Bond Escrow Account Revenues	\$	50,000.00	\$	0.00	\$	50,000.00	\$	0.00	100.00%
Expenditures 220-2200-22-613000 Bond-tranfer to fine payment	\$	50,000.00	\$	0.00	\$	50,000.00	\$	0.00	100.00%
Total Bond Escrow Account Expenditures	\$	50,000.00	\$	0.00	\$	50,000.00	\$	0.00	100.00%
Bond Escrow Account Excess of Revenues Over Exper	ı \$	0.00	\$	0.00	\$	0.00	\$	0.00	0.00%

# City of Ellijay Statement of Revenue and Expenditures

Page 6

Original Budget
For Hotel/Motel Fund (275)
For the Fiscal Period 2022-1 Ending January 31, 2022

		Current	t	Curren	t	Annua	1	YTD	Remaining
Account Number		Budget	:	Actua	1	Budge	t	Actual	Budget %
Revenues									
275-0000-00-314100 Hotel/Motel Tax	\$	18,000.00	\$	2,935.08	\$	18,000.00	\$	2,935.08	83.69%
Total Hotel/Motel Fund Revenues	\$	18,000.00	\$	2,935.08	\$	18,000.00	\$	2,935.08	83.69%
Expenditures									
275-1500-15-572500 Fees paid to Chamber of Com	\$	9,500.00	\$	0.00	\$	9,500.00	\$	0.00	100.00%
275-2750-27-531102 Fireworks		8,500.00		0.00		8,500.00		0.00	100.00%
Total Hotel/Motel Fund Expenditures	\$	18,000.00	\$	0.00	\$	18,000.00	\$	0.00	100.00%
Hotel/Motel Fund Excess of Revenues Over Expenditure	• <b>\$</b>	0.00	\$	2,935.08	\$	0.00	\$	2,935.08	0.00%

# City of Ellijay Statement of Revenue and Expenditures

Page 7

Original Budget
For Cemetery Fund (276)
For the Fiscal Period 2022-1 Ending January 31, 2022

		Curren	t	Curren	t	Annua		YTD	Remaining
Account Number	Ì	Budge	t	Actua	l .	Budge	t	Actual	Budget %
Revenues									
276-0000-00-349100 Sale of Cemetery Lots	\$	5,000.00	\$	750.00	\$	5,000.00	\$	750.00	85.00%
Total Cemetery Fund Revenues	\$	5,000.00	\$	750.00	\$	5,000.00	\$	750.00	85.00%
Expenditures									
276-2760-28-531190 Misc Expense	\$	5,000.00	\$	0.00	\$	5,000.00	\$	0.00	100.00%
Total Cemetery Fund Expenditures	\$	5,000.00	\$	0.00	\$	5,000.00	\$	0.00	100.00%
Cemetery Fund Excess of Revenues Over Expenditures	\$	0.00	\$	750.00	\$	0.00	\$	750.00	0.00%

# City of Ellijay Statement of Revenue and Expenditures

Page 8

Original Budget
For SPLOST (321)
For the Fiscal Period 2022-1 Ending January 31, 2022

Account Number		Curren Budge	Curren Actua	1	Annua Budge	YTD Actual	Remaining Budget %
Revenues							
	ecial Local Option Sales Ta	\$ 350,000.00	\$ 40,972.67	\$	350,000.00	\$ 40,972.67	88.29%
Total SPLOST Revenues	·	\$ 350,000.00	\$ 40,972.67	\$	350,000.00	\$ 40,972.67	88.29%
Expenditures							
	reet Maintenance	\$ 200,000.00	\$ 0.00	\$	200,000.00	\$ 0.00	100.00%
321-4200-42-541225 Pa	rks & Recreation	80,000.00	0.00		80,000.00	0.00	100.00%
321-4200-42-541305 LM	1IG-2019	50,000.00	0.00		50,000.00	0.00	100.00%
321-4200-42-542500 Ca	pital Equipment	20,000.00	0.00		20,000.00	0.00	100.00%
Total SPLOST Expenditures		\$ 350,000.00	\$ 0.00	\$	350,000.00	\$ 0.00	100.00%
SPLOST Excess of Revenues	Over Expenditures	\$ 0.00	\$ 40,972.67	\$	0.00	\$ 40,972.67	0.00%

# City of Ellijay Statement of Revenue and Expenditures

Page 9

Original Budget

For the Fiscal Period 2022-1 Ending January 31, 2022

	 Current	Current	Annual	YTD	Remaining
Account Number	Budget	Actual	Budget	Actual	Budget %
Total Revenues	\$ 2,572,632.35 \$	312,673.28 \$	2,572,632.35 \$	312,673.28	87.85%
Total Expenditures	\$ 2,803,738.49 \$	99,209.03 \$	2,803,738.49 \$	99,209.03	96.46%
Total Excess of Revenues Over Expenditures	\$ (231,106.14) \$	213,464.25 \$	(231,106.14) \$	213,464.25	192.37%

		CITATIONS			WARNINGS	3.5	CAL	CALLS FOR SERVICE	VICE	2	MILES DRIVEN	EN
	Last Mo.	Last Yr.	This Mo.	Last Mo.	Last Yr.	This Mo.	Last Mo.	Last Yr.	This Mo.	Last Mo.	Last Yr.	This Mo.
Chief Lacey	2	0	2	2	0	0	0	0		343	536	422
Capt. Grace	0	0	0	2	1	0	1	2	9	1366	720	722
Officer Chastain	0	7	0	8	32	6	7	7	4	1118	485	895
Officer Mashburn	0	0	0	0	0	0	0	3	0	0	900	0
Officer Stanley	0	6	0	0	40	0	0	7	0	0	655	0
Officer T. McClure	11	11	13	39	29	41	12	12	15	1281	1308	1237
Officer McArthur	S	0	0	14	0	8	6	1	0	762	119	893
Officer Heath	0	24	0	0	78	0	0	12	0	0	1400	0
Officer Ware	8	3	13	8	5	10	10	13	18	1115	1138	1126
Officer Lowery	2	0	0	21	14	14	5	11	2	850	722	829
Officer Colburn	0	1	0	0	0	0	0	0	0	723	523	759
Officer Hill	15	0	33	84	0	100	18	0	12	2150	0	2200
Totals	43	55	61	178	199	182	63	89	57	10426	8506	9113

	Last Mo.	Last Yr.	This Mo.	Difference
GSP Citations	0	41	14	14
Accidents Worked	14	9	12	-2
Accidents TOT GSP	15	0	2	-13
Mutual Aid	1	0	2	τ

NOTE: Column totals for last year and last month may reflect higher numbers than what appear due to stats from previously employed officers being included.

to funciton in a solo role until the end of June of 2022 (projected) hired a recruit on January 1st. However, he will not be released The department staffing is down 2 officers from last year. We TAC Baxter retired 12/2021, TAC Bostick hired 02/14/2022. We hired one certified officer (Hill) in March of 2021. Personnel Status / Details:

1 Sgt. Mashburn resignation - 03/04/2021

2 Officer Heath resignation - 03/12/2021

3 Officer Stanley resignation - 05/21/2021

4 Hired James B. Hill 03/01/2021

5 Recruit Kaleb Hensley 01/01/2022 effective - June 2022

6 TAC Baxter resignation effective 12/29/2021

7 Officer Ware resignation 02/13/2022

7 TAC Bostick hired 02/14/2022

Total vacant positions = 2 sworn police officers.

# Ellijay Police Criminal Investigations Division January, 2022

## Cases Assigned to CID in January, 2022

Crime	Level	Status	Clearance
Criminal Trespass	Misd.	Active Open	Pending
Death Investigation	Other	Closed	Exceptionally Cleared
VGCSA	Felony	Closed	Cleared by Arrest
VGCSA	Felony	Closed	Cleared by Arrest
Criminal Damage to Property	Felony	Closed	Cleared by Arrest
Exploitation Elder Adult	Felony	Closed	Unfounded
Burglary	Felony	Active Open	Pending
Criminal Trespass	Misd.	Closed	Unfounded
Found Contraband	Other	Closed	Exceptionally Cleared

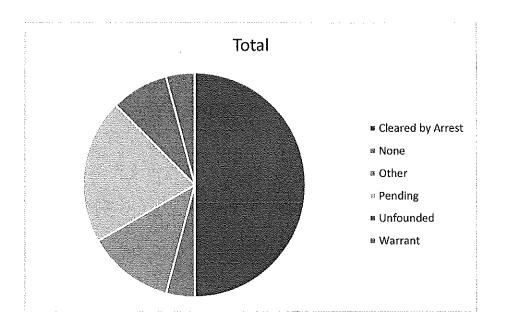
# Ellijay Police Criminal Investigations Division January, 2022

## Inactive Open Cases from July 2021 to January 2022

Crime	Level	Status
Theft	Misd.	Inactive Open
Burglary	Felony	Inactive Open
Entering Auto	Felony	Inactive Open
Burglary	Felony	Inactive Open

## Ellijay Police Criminal Investigations Division January, 2022

Row Labels Count	of Clearance	
Cleared by Arrest	12	7E% of follow cocos
None	1	75% of felony cases were cleared since
Other	3	July 2021.
Pending	5	July 2021.
Unfounded	2	
Warrant	1	

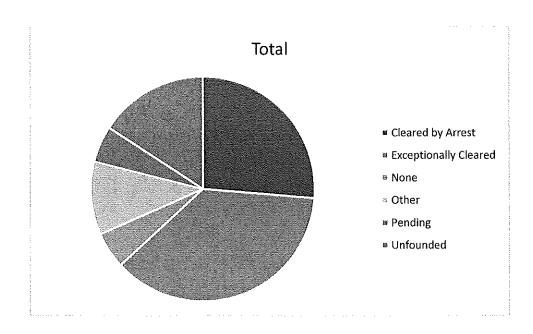


## Ellijay Police Criminal Investigations Division January, 2022

## Misdemeanor

Row Labels Cou	nt of Clearance
Cleared by Arrest	5
Exceptionally Cleared	7
None	1
Other	2
Pending	1
Unfounded	3
Grand Total	19

82% of Misdemeanor cases were cleared from July 2021.

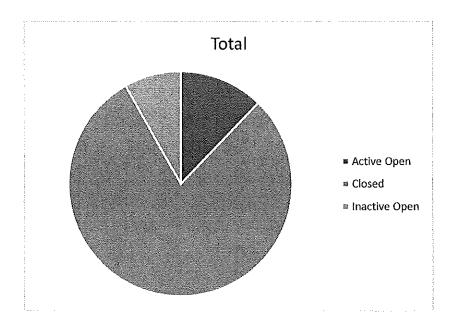


# Ellijay Police Criminal Investigations Division January, 2022

## Total Cases Assigned to CID

Row Labels Cou	int of Status
Active Open	6
Closed	39
Inactive Open	4
Grand Total	49

80% of cases were closed with some type of resolution since July, 2021.



## Ellijay Police Criminal Investigations Division January, 2022

DFACS Referrals				
Month	Screened Out Not in City	Screened Out In City	Opened Investigation In City	Total Reviewed
July-2021	9	0	0	9
August-2021	20	0	0	20
September-2021	19	1	2	22
October-2021	27	1	1	29
November-2021	13	1	1	15
December-2021	12	1	0	13
January-2022	20	0	0	20
Total	120	4	4	128

Referrals are received via encrypted email and must be downloaded to be opened. The address and information are reviewed to determine jurisdiction.

ELLIJAY FIRE MONTHLY REPORT		
01/01/22 - 01/31/22		
	TOTAL	COMMENTS
EMS CALLS	39	,
MOTOR VEHICLE ACCIDENTS	5	
LANDING ZONES	0	
STRUCTURE FIRES	0	
VEHICLE FIRES	0	
BRUSH/GRASS FIRES	0	
FIRE ALARMS	2	
SMOKE INVESTIGATIONS	0	
ILLEGAL BURNS	1	·
HAZ_MAT	0	
AUTOMATIC AID	0	ALREADY IN TOTAL
MUTUAL AID	0	ALREADY IN TOTAL
SERVICE CALLS	1	
TREE DOWN CALLS	2	
OTHER CALLS		
BLOOD DRAW	0	
TOTAL FOR JANUARY	50	
		s .

## RE: Monthly Code Enforcement Update

## 2-21-2022

Building/Construction	Building Permits	Land Disturbing Permits	Building Planning Meetings	Inspections
	6	3	16	29

Zoning	Zoning Change Applications	Zoning Variance Applications	Zoning Consultations
	0	0	4

Housing & General Code Enforcement	Verbal Warnings	Written Warnings	Complaint Mediation	Citations
Code Emorcement	3	2	0	0

	Hardware/Software Purchased	Troubleshooting / Hardware/Software Installation
Computers & Communications	0	0

Total Mileage -172

Andrew Mathis, Code Enforcement Officer

## AMENDMENT TO CODE OF ORDINANCES

## **CITY OF ELLIJAY, GEORGIA**

A RESOLUTION AND ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ELLIJAY, GEORGIA, IN ORDER TO ADOPT CHAPTER 60, ARTICLES I to II IN ORDER TO BETTER PROTECT AND IMPROVE THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY OF ELLIJAY, GEORGIA.

WHEREAS, the duly elected governing authority of the City of Ellijay, Georgia is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, welfare and aesthetics of the citizens of the City of Ellijay, Georgia; and,

WHEREAS, The Mayor and Council of the City of Ellijay have previously adopted the Code of Ordinances, City of Ellijay, Georgia; and,

WHEREAS, the City of Ellijay desires to amend its Code of Ordinances to adopt the provisions of Chapter 60 as they relate to Short Term Rental Units;

WHEREAS, it is requisite and proper for the security, welfare, health, and safety of the citizens of the City of Ellijay, Georgia, that the following provisions be adopted and authorized; and,

WHEREAS, the Mayor and Council of the City of Ellijay wish to modify and amend the Code of Ordinances;

**NOW, THEREFORE, BE IT RESOLVED AND ORDAINED** by the City Council of Ellijay, Georgia, and the council of the City of Ellijay hereby ordains that:

### **SECTION 1**

That the Code of Ordinances, Ellijay, Georgia, is hereby amended by adding a Chapter, to be numbered 60, which chapter reads as follows:

CHAPTER 60 – Short Term Rental Units

Sec. 60-1. – Intent; purpose.

It is the purpose of this chapter to protect the public health, safety and general welfare of individuals and the community at large; to monitor and provide reasonable means for citizens to mitigate impacts created by occupancy of short-term rental units; and to implement rationally based, reasonably tailored regulations to protect the integrity of the city's neighborhoods.

Sec. 60-2 – Short-term rental unit.

For the purposes of this chapter, a short-term rental unit is defined as any detached, attached or semi-attached structure now or formerly used as a single-family dwelling, or the renting or leasing of a part or all of any structure not operating as a hotel, bed and breakfast, motel or inn where the term of occupancy for purposes of lodging, possession of tenancy is for a period of less than 30 days. Renting or leasing, as used herein, means the payment of compensation, money, rent, or other bargained for consideration in exchange for occupancy, possession or use of the property.

Sec. 60-3 – Short-term renal unit permitted.

- (a) Short-term rental units may only be operated in the city pursuant to this section. For zoning purposes short-term rental units shall be considered the same as hotels and motels and shall be allowed in the same zoning districts as hotels and motels. Short-term rental units shall not be permitted in Residential zoning districts (R-1). Properties located in Residential zoning districts (R-1) under contract with Air BNB or similar entities or in use as a short-term rental unit as of the date of this ordinance may continue with such use until June 30, 2022; thereafter, the property owner will be required to have obtained the appropriate permit(s) and/or licenses in order to continue operation of a short-term rental unit. Nothing contained in this Chapter shall be construed to prohibit motels, hotels, inns, bed and breakfasts and other commercial lodging uses from being located where otherwise specifically allowed.
- (b) The owner, platform or manager operating a short-term renal unit shall hold a valid city business license. The business license number shall be included in any advertisement of the short-term rental unit.
- (c) The owner, platform or manager operating a short-term rental unit shall hold a valid hotel-motel tax compliance and an occupation tax certificate from the city.
- (d)Prior to issuance of a permit for a short-term rental unit, each property containing a short-term rental unit shall be inspected for compliance with all building and fire codes. A smoke detector must be installed in each bedroom and on each level of the structure. All smoke detectors must be interconnected. Carbon monoxide detectors must be installed on each level and shall be placed 5' off the ground.

## (e)Parking.

- If the short-term rental unit is located in the Central Business District (CBD) or in a Commercial district, then parking shall be pursuant to parking requirements for those zoning districts.
- ii. If the short-term rental unit is located in a Residential zoning district, then one (1) off-street parking space is required per room qualifying as a bedroom for short-

term rental units. To qualify as a parking space, the minimum dimensional requirements must include a useable rectangular area of nine (9) feet wide by twenty (20) feet long, exclusive of any other area counted as a parking space. The number of vehicles allowed during a short-term rental unit shall not exceed the number of parking spaces available on the property.

- (f) All owners shall post the city's noise ordinance in a visible location in the short-term rental unit.
- Sec. 60-4 License required; application.
  - (a) All short-term rental units shall require an annual short-term rental license. The fee for said license shall be \$1,000.00. An applicant must apply each year and pay the license fee annually.
  - (b) Standards for obtaining a license:
    - i. Applicant must prove ownership of the property and have obtained a City of Ellijay occupation tax certificate.
    - ii. Applicant must show compliance with requirements contained in this ordinance through inspection of books and records.
    - iii. Applicant must not have been convicted of violating any provisions of this Ordinance within 18 months prior of the date of the application.
  - (c) Applications shall include:
    - i. The name, address, telephone and email address of the owner(s) of record of the dwelling unit for which a certificate is sought. If such owner is not a natural person, the application shall identify all partners, officers and/or directors of any such entity, including personal contact information;
    - ii. The address of the unit to be used as a short-term vacation rental:
    - iii. The name, address, telephone number and email address of the short-term rental local property manager, which shall constitute his or her 24-hour contact information. The local property manager shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the same community as the Short-Term Rental, the property owner may designate him/herself as the local contact person. The name, address and telephone number(s) of the local contact person shall be submitted to the City Clerk, the City of Ellijay Police Department, the City of Ellijay Fire Department, and to the property owners located within a 500-foot radius of the property. The name, address and telephone numbers shall be permanently posted in the rental unit in a prominent location(s). Any change in the contact person's address or telephone number shall be promptly furnished to each of these agencies and neighboring property owners as specified in this Section. If the local contact person is unavailable or fails to respond, the complaining or questioning party may contact the City Clerk. The City will then attempt to reach the local contact person. In

- cases where the City is unable to reach the local contact person, the penalties as set forth in this Chapter shall apply.
- iv. The owner's sworn acknowledgement that he or she has received a copy of this section, has reviewed it and understands its requirements;
- v. The number and location of parking spaces allotted to the premises;
- vi. The owner's agreement to use his or her best efforts to assure that use of the premises by short-term vacation rental occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties; and
- vii. Any other information that this chapter requires the owner to provide to the city as part of an application for a short-term vacation rental certificate. The city manager or his or her designee shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this chapter.
- (d) Attached to and concurrent with submission of the application described in this section, the owner shall provide:
  - i. The owner's sworn code compliance verification form;
  - ii. A written exemplar rental agreement, which shall consist of the form of document to be executed between the owner and occupant(s), which shall contain the following provisions and which shall be posted in the short-term vacation rental unit:
    - a. The occupant(s)' agreement to abide by all of the requirements of this chapter, any other City of Ellijay ordinances, state and federal law and acknowledgement that his or her rights under the agreement may not be transferred or assigned to anyone else;
    - b. The occupant(s)' acknowledgement that it shall be unlawful to allow or make any noise or sound that exceeds the limits set forth in the city's noise ordinance;
    - c. The occupant(s)' acknowledgement and agreement that violation of the agreement or this chapter may result in immediate termination of the agreement and eviction from the short-term vacation rental unit by the owner or agent, as well as the potential liability for payments of fines levied by the city; and
    - d. The occupant(s)' acknowledgement on the maximum occupancy of the short-term vacation rental unit and, if available, the location of on-site parking.
  - iii. Proof of the owner's current ownership of the short-term vacation rental unit;
  - iv. Proof of insurance indicating the premises is used as a short-term vacation rental;
- (e) If the rental agent changes, the property owner shall notify the City of Ellijay within five (5) business days.

Sec. 60-5 – Denial, suspension and revocation.

- (a) A permit may be revoked by the city at any time, due to the failure of the permit holder to comply with any requirements of this chapter. Notice of the revocation shall be made in writing to the permit holder. Any person aggrieved by such notice may appeal the revocation pursuant to this chapter.
- (b) An advertisement promoting the availability of property containing short-term rental units in violation of this chapter shall be prima facie evidence of a violation, and may be grounds for denial, suspension or revocation of a license.

Sec. 60-6 – Short-term rental unit regulation procedure.

- (a) To ensure the continued application of the intent and purpose of this chapter, the code enforcement officer shall notify the owner of a short-term rental unit of all instances in which nuisance behavior of the rental guest or the conduct of his or her short-term rental unit agent results in a citation for a code violation or other legal infraction.
- (b) The code enforcement officer shall maintain in each short-term rental unit file a record of all code violation charges, founded accusations and convictions occurring at or relating to a short-term rental unit. When a property owner has accumulated three code violations for a particular property within a period of 12 consecutive months, the city shall revoke any pending certificates and reject all applications for the subject premises for a period of 12 consecutive months.
- (c) If a short-term rental unit owner has been cited and found to be in violation of any zoning, building, health or life safety code provision, the owner must demonstrate compliance with the applicable code prior to being eligible to receive a short-term rental unit certificate.
- (d) Citations for code violations and any other violation of the city code may be heard by the municipal court for the City of Ellijay.
- (e) Violations of this chapter are subject to the following fines, which may not be waived or reduced and which may be combined with any other legal remedy available to the city:
  - i. First violation: \$500.00.
  - ii. Second violation within the preceding 12 months: \$750.00.
  - iii. Third violation within the preceding 12 months: \$1,000.00.
- (f) A person aggrieved by the city's decision to revoke, suspend or deny a short-term vacation rental certificate may appeal the decision to the city council. The appeal must be filed with the city clerk in writing, within 30 calendar days after the adverse action and it shall contain a concise statement of the reasons for the appeal. Timely filing of an appeal shall stay the revocation, suspension or denial pending a decision by the city council.
- (g) The city council shall consider the appeal within 30 days after receipt by the city clerk of a request unless otherwise agreed in writing by the city and aggrieved party. All interested parties shall have the right to be represented by counsel, to present testimony and

- evidence, and to cross-examine witnesses. The city council shall render a determination, which will constitute a final ruling on the application.
- (h) Nothing in this section shall limit the city from enforcement of its code, state or federal law by any other legal remedy available to the city. Nothing in this section shall be construed to limit or supplant the power of any city inspector, deputy marshal or other duly empowered officer under the city's ordinances, rules and regulations and the authority granted under state law, as amended, to take necessary action, consistent with the law, to protect the public from property which constitutes a public nuisance or to abate a nuisance by any other lawful means of proceedings.
- (i) While short term rental of dwelling units located in Residential Zoning Districts are strictly prohibited, the City recognizes that certain Residential properties, due to the uniqueness of their location and other defining characteristics, could be suitable as short-term rental units and would have no negative impact on the neighboring properties. Owners of dwelling units meeting the following requirements may apply for a conditional use permit which would allow the property to be used as a short-term rental unit:
  - i. The property shall border or be adjacent to central business district. In the event that a Residential property bordering or adjacent to the central business district is granted a conditional use permit, then Residential properties located on the same street but not bordering or adjacent to the central business district shall be eligible and entitled to submit an application for a conditional use permit.
  - ii. Notice to all owners of residential property within 500 feet of the proposed short-term rental shall be provided and said owners shall have an opportunity to file objections to the property being used as a short-term rental; or in the case of a subdivision, any and all owners of residential property within said subdivision where the proposed short-term rental is located shall have an opportunity to file an objection to the property being used as a short-term rental. All objections shall be considered accordingly when determining whether or not to grant the conditional use permit.
  - iii. For purposes of this Chapter and all relevant provisions herein, a subdivision shall be defined as all subdivisions not classified as exempt or minor subdivisions pursuant to the Subdivision Regulations as set forth in Appendix B of the Code of Ordinances for the City of Ellijay.

Sec. 60-7 - Taxes.

Short-term rental unit owners are subject to state sales tax, city taxes, including but not limited to hotel/motel tax, and are liable for payment thereof as established by state law and the city code. The city may seek to enforce payment of all applicable taxes to the extent provided by law, including injunctive relief.

Secs. 60-8 – 60-20. – Reserved.

### **SECTION 2**

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

## **SECTION 3**

Penalties for a violation of current Code of Ordinances sections applicable to the amendment described herein in effect upon the adoption date of this ordinance are adopted herein as if completely set out herein.

## **SECTION 4**

All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

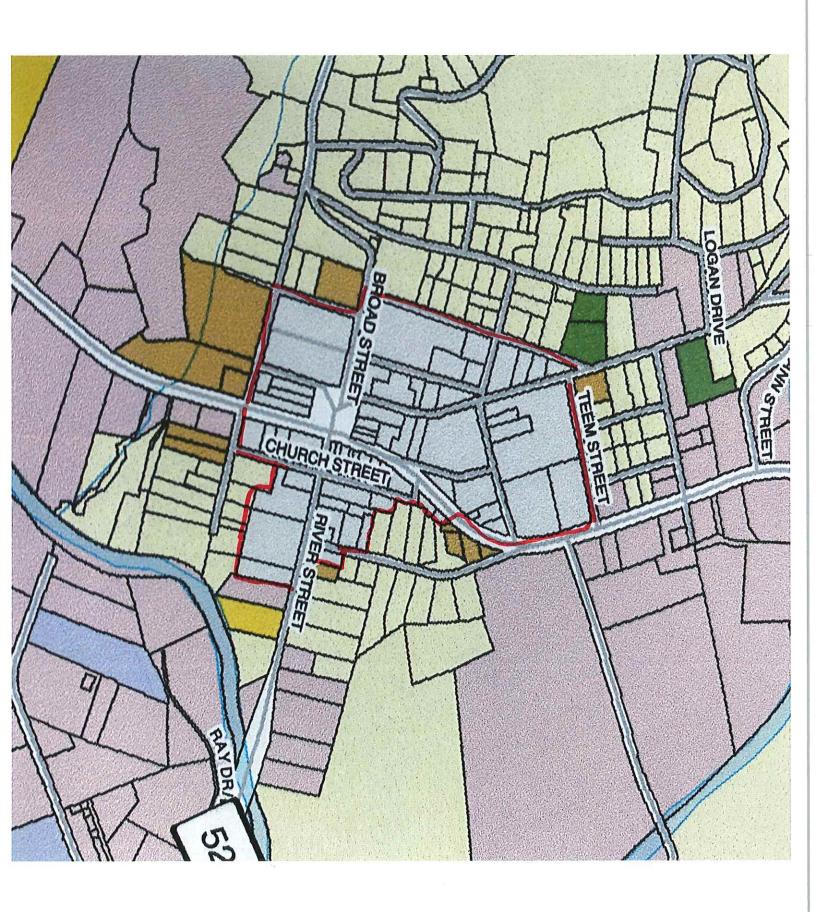
## **SECTION 5**

Nothing in this ordinance or in the ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as city in Section 4 herein; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

## **SECTION 6**

This Resolution and Ordinance s	shall become effective on February, 2022.
This Resolution and Ordinance i	is hereby adopted on this date, it being so ordained
This day of February, 2022.	
ATTEST:	Al Hoyle, Mayor
	Al Fuller
City Clerk	Kathryn Lancey

I om Crawford	
Kevin Pritchett	
Sandy Ott	



ORDINANCE NO.	

## AMENDMENT TO CODE OF ORDINANCES

## CITY OF ELLIJAY, GEORGIA

A RESOLUTION AND ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ELLIJAY, GEORGIA, IN ORDER TO AMEND CHAPTER 6, ARTICLES II FOR THE PURPOSES OF AMENDING THE ALCOHOLIC BEVERAGES PROVISIONS IN ORDER TO BETTER PROTECT AND IMPROVE THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY OF ELLIJAY, GEORGIA.

WHEREAS, the duly elected governing authority of the City of Ellijay, Georgia is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, welfare and aesthetics of the citizens of the City of Ellijay, Georgia; and,

WHEREAS, The Mayor and Council of the City of Ellijay have previously adopted the Code of Ordinances, City of Ellijay, Georgia; and,

WHEREAS, the City of Ellijay desires to amend its Code of Ordinances to amend the Alcoholic Beverages provisions of Chapter 6;

WHEREAS, it is requisite and proper for the security, welfare, health, and safety of the citizens of the City of Ellijay, Georgia, that the following provisions be adopted and authorized; and,

WHEREAS, the Mayor and Council of the City of Ellijay wish to modify and amend the Code of Ordinances;

**NOW, THEREFORE, BE IT RESOLVED AND ORDAINED** by the City Council of Ellijay, Georgia, and the council of the City of Ellijay hereby ordains that:

## **SECTION 1**

Article III, Chapter 6 of the Code of Ordinances of the City of Ellijay, Georgia shall be amended as follows:

ARTICLE III, Division 2 of Chapter 6 of the Code of Ordinances of the City of Ellijay, Georgia shall have the following inserted:

Sec. 6-136. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Additionally, all definitions included in Chapter 6 of the Code of Ordinances of the City of Ellijay shall be included by reference:

Retail package liquor store means sales of distilled spirits, malt beverages or wine packaged to go and not for consumption on the sales premises.

Distilled spirits means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including, but not limited to, all fortified wines.

Election day means a period beginning one hour before the election polls open and ending one hour after the polls close.

*Permanent structure* means any structure having the quality of construction and intended use so as to indicate its having a useful life in excess of one year from the date of its erection.

*Premises* means the space or area owned, leased or controlled by the licensee and used by him for the purpose of operating under the license. It shall be limited to one location for each license, and there shall be a separate license for each premises outlet.

Resident means a person whose primary residence is within the territorial limits of the county although not necessarily domiciled within the city.

*Retail license* means a license issued to a sole proprietorship, partnership or corporation engaged in the sale of distilled spirits to go and not for consumption on the sales premises.

Retail package means sales of distilled spirits packaged to go and not for consumption on the sales premises.

Sanctuary means the primary structure located upon the grounds of any church property in which persons regularly assemble for religious worship.

Wholesale license means a license issued to a sole proprietorship, partnership or corporation engaged in the sale of distilled spirits on a large-scale basis, whose primary market is in direct sales to individual retailers and who does no sales to the general public within the city limits.

Sec. 6-137. Retail Package Liquor Store.

(a) No individual shall be permitted to own or operate a retail package liquor store without first obtaining a proper retail package liquor store license from the City of Ellijay. Each retail

package liquor store licensee shall comply with City Code, adopted codes, rules and regulations of the City and applicable State law and requirements.

## Sec 6-138. License for retail sale of package distilled spirits.

(a) In addition to the requirements of this chapter, a license for the retail sale of package distilled spirits upon the terms and conditions provided in this article shall be granted by the City Council and evidenced by a written approval executed by the majority of the members of the City Council. Upon the compliance with the foregoing provision and at the direction of the City Council, The Mayor or his/her designee shall issue a license.

### Sec. 6-139. Hours of sale.

- (a) Retail package licensees shall not engage in the sale of distilled spirits except between the hours of 6:00 a.m. and 12:00 a.m. (midnight), Monday through Saturday, and 12:30 p.m. until 11:30 p.m. on Sundays. The hours within which business may be carried on shall be determined by the standard time in force at the time of the sale thereof.
- (b) Retail package distilled spirits shall not be sold at any time in violation of any local ordinance or regulations or of any special order of the governing authority.

## Sec. 6-140. Consumption prohibited.

It shall be unlawful for any person to consume any alcoholic beverage on a premises licensed for the sale of package distilled spirits. For the purpose of this section, the term "premises" shall include the parking area immediately adjoining the premises licensed for the sale of package distilled spirits and available for the use of the customers of the licensed premises, whether or not the same are owned or leased by the licensed holder. It shall be unlawful for any licensee to permit the consumption of alcoholic beverages on said premises or to sell unsealed (broken) package distilled spirits.

## Sec. 6-141. Use of tags or labels to indicate prices.

Retailers shall indicate plainly by tags or labels on the bottles or containers or on the shelf immediately below where the containers are placed the prices of all distilled spirits exposed or offered for sale.

### Sec. 6-142. Window obstruction.

All glass surfaces forming the exterior walls of the premises shall remain unobstructed and shall provide a clear line of sight into the interior of the premises that is licensed to sell package distilled spirits and no signs, window coverings, or other material shall be placed on or within ten feet of any exterior glass surfaces, except as follows:

(1) One "open" sign which includes business hours of operation, and which may be illuminated, not to exceed 4 square feet in area: and

(2) The sign permitted in subsection (1) of this section and any additional signs on the property and premises shall also comply with all applicable provisions of Ellijay's Sign Ordinance, Site Planning and Project Design Standards,

## Sec. 6-143. Licensing and Fees

- (a) The applicant for a license under this division shall pay to the clerk of the city at the time of his application an annual license fee as fixed from time to time by the city.
- (b) Applications requirements for a license under this article shall be the same as for On Premise Consumption Distilled Spirits Licenses.
- (c) All rules, regulations and requirements included in Chapter 6, Article II, Division 2 and Chapter 6, Article III, Division 3 shall be included in this ordinance by reference.

## Sec. 6-144. - Distance requirements.

- (a) No distilled spirits shall be offered for sale or sold in an unopened package within one hundred (100) yards of any church building or within two hundred (200) yards of any school building, education building, school grounds or college campus.
- (b) A new retail package liquor licensed place of business or the relocation of an existing retail package liquor licensed place of business engaged in the retail package sales of distilled spirits shall not be located within five hundred (500) yards of any other business licensed to sell package liquor at retail.
  - (c) The distance provided for herein shall not apply:
- (1) To any premises or location where alcoholic beverages are being sold or dispensed in compliance with the other provisions of this chapter and a school or church is built or erected within the minimum distances provided for in this section.
- (2) To any premises or location licensed as an importer, so long as the same is allowed by the state; provided, however, no signs or other forms of advertisement shall be placed on or near the licensed premises, which directly or indirectly advertise that alcoholic beverages are stored or warehoused on the premises.
- (d) No distilled spirits shall be offered for sale or sold in an unopened package within one hundred (100) yards of an alcoholic treatment center owned and operated by this state or any county or municipal government.

### Sec. 6-145. Sale of other merchandise.

- (a) A licensee of a retail spirituous liquor establishment under this article shall not operate the business in connection with any other mercantile establishment, provided, this shall not prohibit a retail spirituous liquor licensee from operating in the same building complex with other businesses. No retail spirituous liquor licensee shall sell, offer for sale, display or keep in stock at his place of business where packaged spirituous liquors are offered for sale any other commodity except the following, all of which may be sold by the retailer at his option:
  - (1) Beverages containing no alcohol and commonly used to dilute distilled spirits;
  - (2) Wines and malt beverages, when properly licensed;
- (3) Glasses, stirring sticks and similar paraphernalia commonly used in the consumption of alcoholic beverages;

- (4) Tobacco products; and
- (5) Packaged ice.

### **SECTION 2**

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

## **SECTION 3**

Penalties for a violation of current Code of Ordinances sections applicable to the amendment described herein in effect upon the adoption date of this ordinance are adopted herein as if completely set out herein.

## **SECTION 4**

All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

## **SECTION 5**

Nothing in this ordinance or in the ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as city in Section 4 herein; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

## **SECTION 6**

This Resolution and Ordinance shall become effective on March, 2022.
This Resolution and Ordinance is hereby adopted on this date, it being so ordained
This day of March, 2022.
Al Hoyle, Mayor
ATTEST:

	Al Fuller	
City Clerk		
	Kathryn Lancey	
	Tom Crawford	
	Tom Clawfold	
	Kevin Pritchett	
	Sandy Ott	

## ATLANTA PYROTECHNICS INTERNATIONAL, INC.

P. O. Box 4443 Marietta, GA 30061 (770) 919-8100 Office (770) 919-8101 Fax

January 31, 2022

P 1 of 2

RE: June 20, 2022 through July 10, 2022

MAYOL AL,

Atlanta Pyrotechnics International, Inc (API) will not be able to provide & conduct your upcoming show which falls between June 20 & July 10 in 2022 for the following reasons:

1. Securing of 16ft & 26 ft rental trucks for our shows have never been a problem over the past 40 yrs. However, in 2021 it was, and API had its' truck reservations made in early April 2021 (& every year in early April) cut back by 40% the first week of June 2021, creating a major problem. Fortunately all contracted shows were conducted and completed sucessfully.

Looking forward to the same time frame for 2022 and based on my ongoing & recent discussions with the truck rental companies, securing of the trucks needed by API cannot be guaranteed by them. The reservations are 100% guaranteed but getting a truck for that reservation is not 100% guaranteed.

Pre 2020 the reservation rate vs the trucks you could actually pick up & rent averaged 90%. In 2021 this averaged 60% and less as many of the trucks had needed repairs; A/C, tire replacement, etc.

Without trucks the shows can not happen.

2. The cost of importing containers has risen dramatically. The ocean freight on a 40ft container pre 2020 has averaged about \$9,500 from a China port to a US port. These costs now average \$45,000 plus per container with no guarantee of a ship and arrival date to a US port, as containers are scarce.

3. The price for API's 2022 Fireworks (FW's) programs being sold are increased by 35%+ to 40%+; \$15,000 show will cost \$20, 250+ to \$21,000+ depending on the FW's product used in the respective Shows that can be conducted before June 20 and after July C & SOU 10, 2022. BENDMOLE

I will give you a phone call sometime this week or feel free to call me so I can go into more detail.

It is with great regret that I have to inform you of these issues and as well as other supply chain issues not mentioned herein, which are facing Fireworks companies, industry wide.

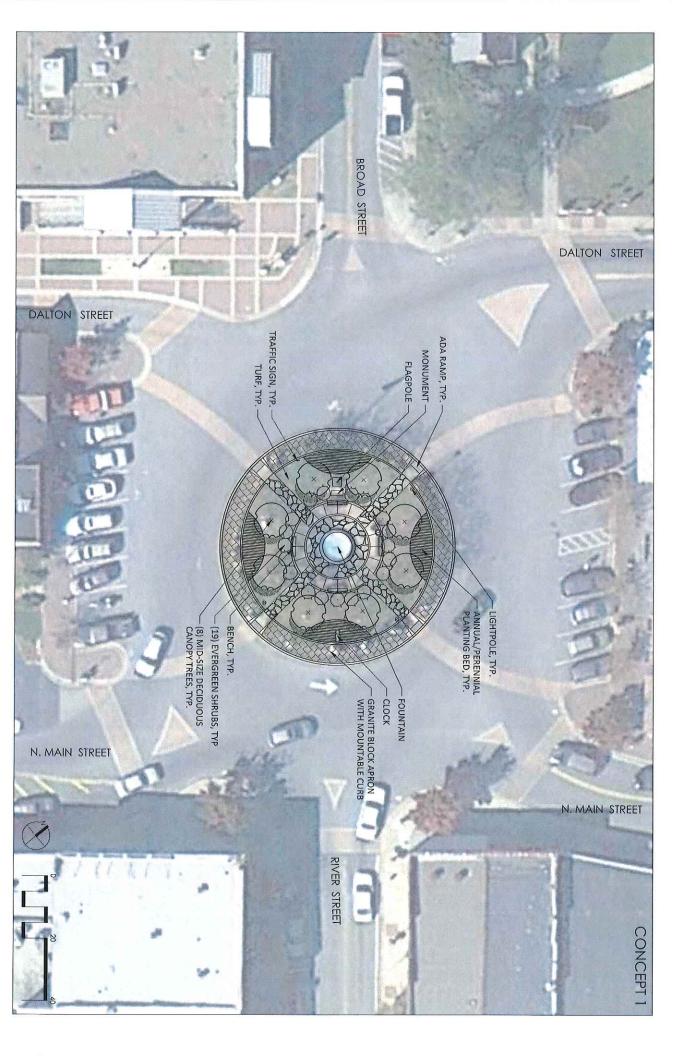
My guarantee for the booking of and the successful completion of your show can not be made (June 20-July 10) as too many companies on which all of API's logistics are based on are at best; very weak and non-commital.

Regards

President

770 919-8100 Office 404 790-0700 Cell 24/7

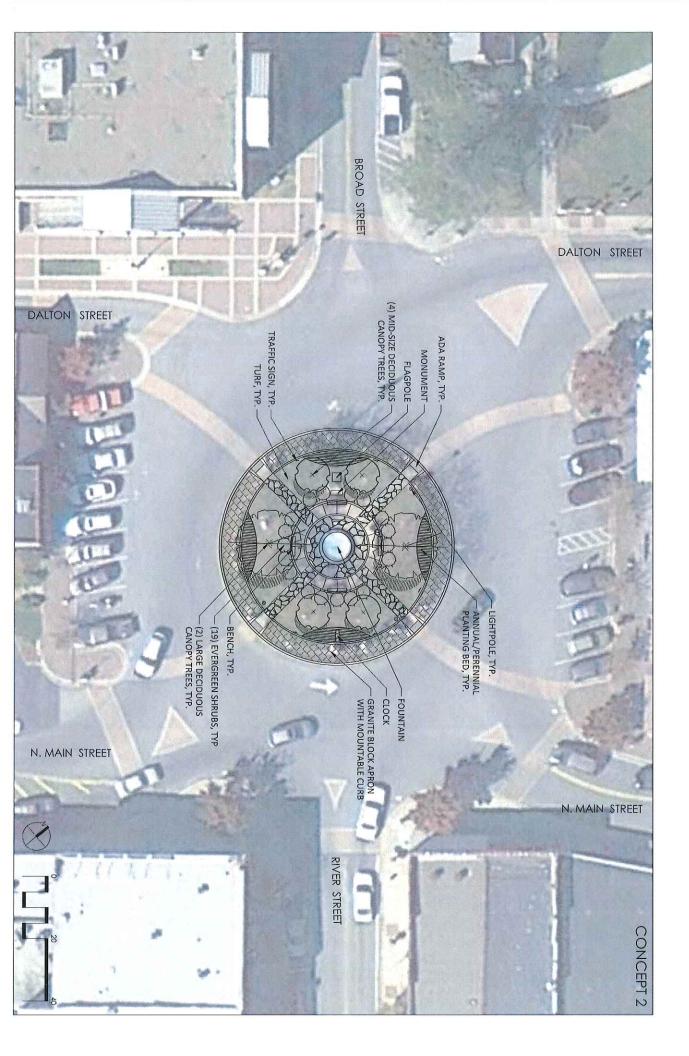
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PRELIMINARY COST ESTIMATE	Ellijay Roundabout Improvements

L <i>ighting</i> 2" Conduit and Electrical Wire	Erosion Control Measures Silt Fence	Landscape Materials Canopy Trees, 2" Caliper Flowering Trees, 30 gal. Perennial/Annual Plants Shrubs, 3 Gal. Sod Soil Mix, 3 cy/pit Mulch, 4" Depth	Site Furnishings Trash Receptacle (if necessary) Bench (if necessary)	Site Construction  ADA Truncated Dome Pavers  ADA Truncated Dome Pavers  ADA Ramps  Asphalt Pavement - 1.5" Topping - Type E or F, 2.5 Binder Type B (if necessary)  Reset Existing Stone Pavers-Walkways (if necessary)  Granite Pavers  Graded Aggregate Base, 6" Depth  Sand Setting Bed  3" Type 9 Mountable Curb Face  3" Type 1 Mountable Curb Face  Repoint Mortar Joints for Stone Paver Walkway	Ellijay Roundabout Improvements PRELIMINARY COST ESTIMATE Concept #1 Rem Remolition Mobilization Grading Sawcut Pavement (if necessary) Asphalt Removal (if necessary) Sign Removal/Store/Reset Remove, Store and Reset Clock Remove, Store and Reset Lightpoles Remove, Store and Reset Flagpole Traffic Control Fountain Repair Work (if necessary) Adjust Misc Utilities to Grade (Water/Power)
₽	Ε	\$ \$ \$ \$ \$ \$ \$	m m A S S	***********	
4.00	2.50	425.00 175.00 15.00 25.00 2.00 25.00 30.00	1,200.00 1,400.00	4.00 250.00 85.00 10.00 15.00 10.00 20.00 10.00 20.00 10.00 2,000.00	Unit Price 3,000.00 2,000.00 15.00 9.00 250.00 1,500.00 750.00 5,000.00 5,000.00
150	239	0 460 19 1,144 25	- 4	34 4 10 268 1,171 1,430 11 239 197	Quantity 1 1 239 27 5 1 1 1 1 1 5
\$600	\$598	\$0 \$1,400 \$6,900 \$475 \$2,288 \$625 \$300	\$1,200 \$5,600	\$136 \$1,000 \$850 \$2,680 \$17,565 \$14,300 \$214 \$2,390 \$1,970 \$2,000	Total \$3,000 \$2,000 \$3,585 \$243 \$1,250 \$2,000 \$4,500 \$750 \$2,500 \$2,500 \$2,500

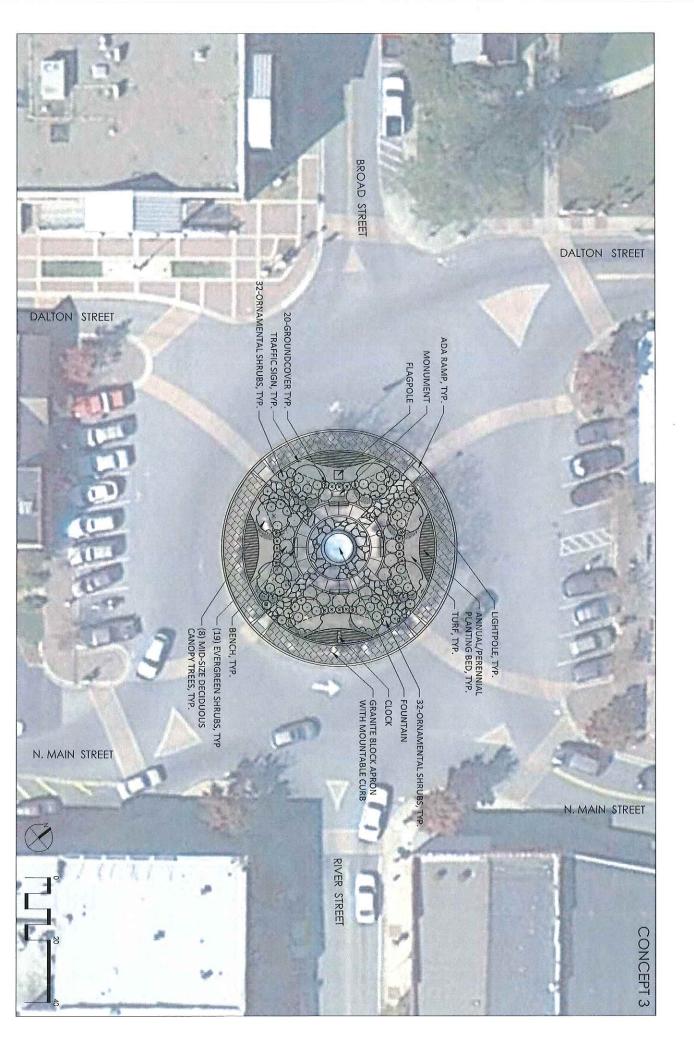
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PRELIMINARY COST ESTIMATE	ĺ	Emjay Koundabout improvements
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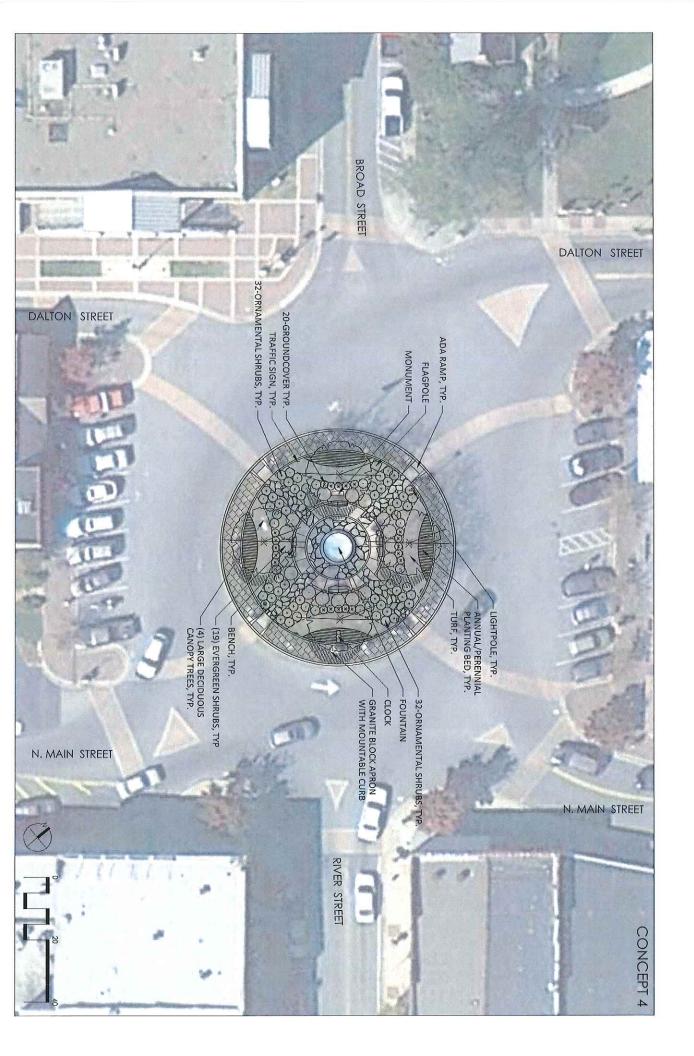
Lighting 2" Conduit and Electrical Wire	Erosion Control Measures Silt Fence	Landscape Materials Canopy Trees, 2" Caliper Flowering Trees, 30 gal. Perennial/Annual Plants Shrubs, 3 Gal. Sod Soil Mix, 3 cy/pit Mulch, 4" Depth	Site Furnishings Trash Receptacle (if necessary) Bench (if necessary)	Site Construction  ADA Truncated Dome Pavers  ADA Ramps  Asphalt Pavement - 1.5" Topping - Type E or F, 2.5 Binder Type B (if necessary)  Reset Existing Stone Pavers-Walkways (if necessary)  Granite Pavers  Graded Aggregate Base, 6" Depth  Sand Setting Bed 3" Type 9 Mountable Curb Face 3" Type 1 Mountable Curb Face Repoint Mortar Joints for Stone Paver Walkway	RELIMINARY COST ESTIMATE  Concept #2  Item  Demolition  Mobilization  Grading  Sawcut Pavement (if necessary)  Asphalt Removal (if necessary)  Sign Removal/Store/Reset  Remove, Store and Reset Clock  Remove, Store and Reset Lightpoles  Remove, Store and Reset Flagpole  Traffic Control  Fountain Repair Work (if necessary)  Adjust Misc Utilities to Grade (Water/Power)
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<del>G</del>	↔	***	₩ ₩	************	w w w w w w w w w w
4.00	2.50	425.00 175.00 15.00 25.00 2.00 25.00 30.00	1,200.00 1,400.00	4.00 250.00 85.00 10.00 15.00 10.00 20.00 10.00 10.00 2,000.00	3,000.00 2,000.00 15.00 9.00 2,000.00 1,500.00 750.00 2,500.00 5,000.00
150	239	1,360 18 10	4 4	34 4 10 268 1,171 1,430 11 239 197	Quantity  1 1 239 27 5 1 1 1 1 1 1 5
\$600	\$598	\$850 \$700 \$4,500 \$475 \$2,720 \$450 \$300	\$1,200 \$5,600	\$136 \$1,000 \$850 \$2,680 \$17,565 \$14,300 \$214 \$2,390 \$1,970 \$2,000	\$3,000 \$2,000 \$3,585 \$243 \$1,250 \$2,000 \$4,500 \$7,500 \$2,500 \$2,500 \$2,500

\$88,426



Concept #3				
Remolition	Unit	Unit Price	Quantity	Total
Demontron				es 000
Grading	es es	2,000.00	_ <b>.</b> _	\$2,000 \$2,000
Sawcut Pavement (if necessary)			239	\$3,585
Asphalt Removal (if necessary)			27	\$243
Sign Removal/Store/Reset		2:	σı	\$1,250
Remove, Store and Reset Clock		2	_	\$2,000
Remove, Store and Reset Lightpoles			ယ	\$4,500
Remove, Store and Reset Flagpole			_	\$750
Traffic Control	LS \$	2,500.00	_	\$2,500
Fountain Repair Work (if necessary)		5,000.00	_	\$5,000
Adjust Misc Utilities to Grade (Water/Power)		500.00	O1	\$2,500
Site Construction				
ADA Truncated Dome Pavers	SF \$	4.00	34	\$136
ADA Ramps		N	4	\$1,000
Asphalt Pavement - 1.5" Topping - Type E or F, 2.5 Binder Type B (if necessary)			10	\$850
Reset Existing Stone Pavers-Walkways (if necessary)	2 P		268	\$2,680
Cranical Agenciate Base & Donth			1,17	817,000 000,000
Sand Setting Bed		20.00	11	\$214
3" Type 9 Mountable Curb Face			239	\$2,390
3" Type 1 Mountable Curb Face			197	\$1,970
Repoint Mortar Joints for Stone Paver Walkway		2,0	_	\$2,000
Site Furnishings Trash Receptacle (if necessary)		1.200.00	<u> </u>	\$1.200
Bench (if necessary)	E A		4	\$5,600
Landscape Materials				
Canopy Trees, 2" Caliper		425.00	0	\$0
Flowering Trees, 30 gal.	ПA \$		œ	\$1,400
Perennial/Annual Plants			300	\$4,500
Shrubs, 3 Gal.			102	\$2,550
Sod	SF \$		588	\$1,176
Soil Mix, 3 cy/pit			25	\$625
Mulch, 4" Depth			10	\$300
Erosion Control Measures				
Silt Fence	<del>-</del>	2.50	239	\$598
L <i>ighting</i> 2" Conduit and Electrical Wire	<u>F</u> ,	4.00	150	\$600
			O . h h h h	
			Subtotal:	\$88.982

\$88,982



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PRELIMINARY COST ESTIMATE	Ellijay R
NARY COST ESTIMATI	Ilijay Roundabout
RY COST ESTIMATE	out Impr
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PRELIMINARY COST ESTIMATE  Concept #4					
Item	Unit		Unit Price	Quantity	Total
Demolition	>	•	)	•	
Mobilization	LS	49	3,000.00	_	\$3,000
Grading	LS	€9	2,000.00	_	\$2,000
Sawcut Pavement (if necessary)	듀	<del>()</del>	15.00	239	\$3,585
Asphalt Removal (if necessary)	ΥS	↔	9.00	27	\$243
Sign Removal/Store/Reset	EΑ	<del>69</del>	250.00	СЛ	\$1,250
Remove, Store and Reset Clock	ΕA	<del>(s)</del>	2,000.00	_	\$2,000
Remove, Store and Reset Lightpoles	EΑ	49	1,500.00	ω	\$4,500
Remove, Store and Reset Flagpole	ΕA	<del>69</del>	750.00	and.	\$750
Traffic Control	LS	↔	2,500.00		\$2,500
Fountain Repair Work (if necessary)	LS	↔	5,000.00		\$5,000
Adjust Misc Utilities to Grade (Water/Power)	E A	<del>(A</del>	500.00	ហ	\$2,500
Site Construction					
ADA Truncated Dome Pavers	ŞF	↔	4,00	34	\$136
ADA Ramps	ΕA	↔	250.00	4	\$1,000
Asphalt Pavement - 1.5" Topping - Type E or F, 2.5 Binder Type B (if necessary)	NOT	↔	85.00	10	\$850
Reset Existing Stone Pavers-Walkways (if necessary)	SF	↔	10.00	268	\$2,680
Granite Pavers	SH	↔	15.00	1,171	\$17,565
Graded Aggregate Base, 6" Depth	SF	€9	10.00	1,430	\$14,300
Sand Setting Bed	CY	↔	20.00	<u> </u>	\$214
3" Type 9 Mountable Curb Face	Image: Control of the	↔	10.00	239	\$2,390
3" Type 1 Mountable Curb Face	뒤	↔	10.00	197	\$1,970
Repoint Mortar Joints for Stone Paver Walkway	rs	€	2,000.00	_	\$2,000
Site Furnishings	!	•			
I rash Receptacle (If necessary)	ĽΑ	¥	7,200.00	٠	\$1,200
Bench (if necessary)	EΑ	↔	1,400.00	4	\$5,600
Canopy Trees, 2" Caliper	E A	↔	425.00	4	\$1,700
Flowering Trees, 30 gal.	EΑ	↔	175.00	0	\$0
Perennial/Annual Plants	EΑ	69	15.00	300	\$4,500
Shrubs, 3 Gal.	ΕA	↔	25.00	102	\$2,550
Sod	SF	69	2.00	588	\$1,176
Soil Mix, 3 cy/pit	2	69	25.00	12	\$300
Mulch, 4" Depth	父	69	30.00	10	\$300
Erosion Control Measures Silt Fence	넊	<del>co</del>	2.50	239	\$598
Lighting					
2" Conduit and Electrical Wire	뜌	€9	4.00	150	\$600

\$88,957